

From: [Beese, Jennifer](#)
To: [Erin Sherer](#)
Subject: Mr. Francis Flood
Date: Monday, June 18, 2018 8:43:00 AM

Erin - I just left you a voice mail message. I'm sorry I missed your call Friday.

Here is the email I sent to Pat Kuefler, my supervisor, summarizing my call with Mr. Flood and my follow-up call with Mike Gallaway.

I don't know the details behind how it happened, but the Assistant Administrator for the Office of Enforcement in HQ (Patrick Traylor) followed Mr. Flood's complaint. It came to us in May, and the rest of the details are below.

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5/31/2018

Pat, here is the most updated information on the complaint, based on my conversation this morning with Mr. Mike Gallaway of Ohio EPA, as well as my notes from my conversation with Mr. Francis Flood last week. Some information has been corrected and I will need to go back into the CC database to make text corrections in that database.

On 5/24/2018, I searched for location of Howard OH on map in advance of contacting Mr. Flood, so I'd know where it is and what district office might have information about the issue. In doing the search, additional info about a court case appeared in the search results. This is a long-standing issue that appears to have started when a local municipality brought municipal sewers to the Howard/Millwood area of Knox County, Ohio. The area had previously been unsewered and homes were on septic systems. Construction was done on and adjacent to Mr Flood's property, including installation of a grinder pump on his property, and construction of a lateral to carry sewage from his property.

I spoke with Mr. Flood by phone on 5/24 and spent about 30 minutes asking questions and listening to him. Mr. Flood alleges damage to his foundation as result of the construction of the municipal sewer system, which began in the 2011-2012 time frame. The construction included running sewer pipe adjacent to his home, and installing a lateral on his property which he says was improperly done, because (a) the lateral placement violates local health codes and (b) the local government never received a variance from the (presumably Ohio) DOT for a lateral installation. He wants an inspection of the system (which presumably includes his property) and, if possible, a hearing on the improper use of federal CWA-related grant funds for a project that he believes was implemented improperly. He brought legal action in US District Court against several individuals and companies. Many of the individuals are county and state officials and employees. It looks like a Federal court case brought by Mr. Flood (Flood v. Reed) concerning this matter was dismissed in March 2017.

In addition, Mr. Flood alleged:

(1) Open dumping allegation - piping from the old septic on his property was left on his property and residue from those pipes discharged into a local creek.

(2) safety problems in /around his house (caused by improper lateral installation, improper grinder pump installation, and sewer pipe construction in street) have made his property not suitable for habitation, and may warrant condemnation of his property.

(3) Mr. Flood's belief that all levels of government (from local up to the state) are not telling the truth about installation of sewer system. He says no records were kept to properly document construction pursuant to federal law.

He has years' worth of documentation he will share if needed. I indicated someone from our office will get back to him about his request for an inspection and hearing.

5/31/18 – I talked with Mike Gallaway at length. Mr. Gallaway indicated it has been about 3 years since he visited Mr. Flood's property. He also visited Mr. Flood on another occasion with Chris Weiss, who works in Ohio EPA's Public Interest office. Mike provided the following information about the sewer project and his observations/conclusions about Mr. Flood's complaints:

The municipal sewer project in the Millwood-Howard, OH area was initiated by Knox County, to upgrade failing septic and protect a portion of the Kokosing River designated as an Ohio Scenic River. Ohio EPA provided loan funds to Knox County. Project-related plans were reviewed and approved by Mr. Gallaway and his colleagues in the Central District office.

The system is a sand/filter system. Because of the grade of his property, a grinder pump was installed next to Mr. Flood's house. Mr. Gallaway indicated that Mr. Flood was concerned with the location of the grinder and also believed the lateral should have been installed to flow in a different direction.

With regard to the items identified above in #1 - #3:

(1) Open dumping – Mr. Gallaway saw the PVC pipe on the property during his inspection of Mr. Flood's house. He said this is likely refuse regulated as solid waste at the county level. (It's not clear why this material remains on the property if the septic system was dismantled years ago.)

(2) Safety problems / improper installation of grinder pump / lateral – Mr. Gallaway said that under Ohio law, a Permit to Install (PTI) was not necessary for the construction of the grinder pump. According to Mr. Gallaway, individual dwellings are exempt from this requirement under Ohio code. Also, no DOT variance for installation of the lateral was needed, because the lateral didn't reach the right-of-way.

(3) Levels of government not telling truth / no records – Mr. Gallaway indicated that project plans were indeed developed and followed for this project. Some of Mr. Flood's concerns (i.e., rules/standards for location of grinder pump) are within the jurisdiction of local authorities and not the state, and that has been communicated to Mr. Flood. Communication between Mr. Flood and

Ohio EPA has happened frequently over period of years. Mr. Flood has continued to press his case with different levels of government and different agencies, as evidenced by his recent complaint to U.S. EPA's

Mr. Gallaway indicated that if requested by U.S. EPA, he would be willing to visit the property again and speak with Mr. Flood (and Mr. Gallaway would do so jointly with US EPA should we decide to send an inspector).

When I spoke with Mr. Flood on 5/24, I indicated someone from our office would get back to him in response to his request for a hearing and inspection.

Please advise on next steps.

Jenny

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